IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DORA L. ADKINS, Plaintiff, v. PUBLIC STORAGE, Defendant.	Case No. ______________________ (Removed from the Circuit Court of Fairfax County, CL No. 2016-15800 State Action Filed: November 15, 2016

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF:

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1332(a), 1441 and 1446, Defendant Public Storage ("Public Storage") removes this action from the Circuit Court of Fairfax County, Virginia to the United States District Court for the Eastern District of Virginia, Alexandria Division. In support of this Notice, Public Storage states as follows:

Background

1. On or about November 15, 2016, Plaintiff Dora L. Adkins ("Plaintiff") filed a *pro se* Complaint against Public Storage in the Circuit Court of Fairfax County, Virginia, CL No. 2016-15800, captioned as *Dora L. Adkins v. Public Storage* (the "Complaint").

2. The two-count Complaint purports to assert claims for breach of contract and gross negligence under Virginia law. Compl. ¶ 7-19.

3. Public Storage was served with a summons and copy of the Complaint on November 23, 2016. A true and accurate copy of the summons and Complaint, and all accompanying papers served on Public Storage are attached hereto as EXHIBIT A.

4. Based on the allegations of the Complaint and for the reasons discussed below,

Public Storage timely removes this action to this Court pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446.

Basis for Federal Jurisdiction

5. Pursuant to 28 U.S.C. § 1441(a), "[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

6. As set forth below, this Court has original jurisdiction over this action based on diversity of citizenship under 28 U.S.C. § 1332(a), because the amount in controversy exceeds the sum or value of $75,000 and the matter is between citizens of different states.

Diversity of Citizenship

7. Plaintiff Dora L. Adkins is a natural person and resident and domiciliary of Alexandria, Virginia. She resides at 200 N Picket St, St 304, Alexandria, VA 22304. *See* Compl. Exhibit 1 and 2.[1]

8. Defendant Public Storage is a business organized under the laws of Maryland, with a principal place of business in Glendale, California. *See* EXHIBIT B ("Articles of Amendment and Restatement of Declaration of Trust for Public Storage"); EXHIBIT C (Virginia State Corporation Commission Entity Listing). Public Storage is therefore a citizen of Maryland

1 Plaintiff's address is printed on Exhibit 1 and Exhibit 2 to the Complaint, *i.e,* her invoices and notices from Public Storage; although Plaintiff attempted to redact her own address in the service copy it remains partially visible. If required at any hearing of this matter, Public Storage reserves the right to rely on the original *unredacted* copies of these documents and/or any other pertinent facts as proof of Plaintiff's address.

and California. 28 U.S.C. § 1332(c)(1).

9. As Plaintiff and Defendant are citizens of different states, complete diversity exists under 28 U.S.C. §1332(a).

10. Plaintiff prays for damages in the amount of $10 million dollars. Compl., *ad damnum*, p. 12. Specifically, she seeks for $3 million dollars for breach of contract, $3 million dollars for gross negligence, and $4 million dollars for punitive damages. *Id.*

11. The amount in controversy for purposes of removal based on diversity of citizenship therefore exceeds $75,000. See 28 U.S.C. § 1446(c)(2).

Venue and Procedural Requirements

12. The Fairfax County Circuit Court is located within the Alexandria Division of this District. Accordingly, venue in this Court is proper under 28 U.S.C. § 1441(a).

13. Upon receiving a file-marked copy of this Notice of Removal, a file-marked copy of this Notice of Removal and the accompanying filings will be served upon Plaintiff and filed with the Clerk of the Circuit Court of Fairfax County, Virginia, as required by 28 U.S.C. § 1446(d).

14. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because Public Storage was served on November 23, 2016, and is filing this Notice of Removal within 30 days of service.

WHEREFORE, Defendant Public Storage respectfully requests that this action captioned as *Dora L. Adkins v. Public Storage*, CL No. 2016-15800, pending in the Circuit Court of Fairfax County, Virginia, be removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, and that this Court exercise its subject-matter jurisdiction over this action, and for such other relief as the Court may deem just and proper.

PUBLIC STORAGE

By: /s/ Nathan D. Rozsa, Esq.
Counsel

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DATED: December 14, 2016

Certificate of Service

I certify that on December 14, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing (NEF) to all counsel of record and I will also mail a copy of this document to the following non-filing users:

Dora L. Adkins
P.O. Box 3825
Merrifield, VA 22116
Plaintiff *pro se*

/s/ Nathan D. Rozsa .
Nathan D. Rozsa